

DRAFT

Governor's Blue Ribbon Water Task Force

Meeting Notes June 22-23, 2005 Albuquerque, NM

Attendees: Larry Blair, Conci Bokum, Brain Burnett, Frank Chaves, Wayne Cunningham, John D'Antonio, Eileen Grevey Hillson, Lisa Henne, Steve Hernandez, Dave Hughes, Bill Hume, John Leeper, Elmer Lincoln, Estevan Lopez, Paul Paryski, and Elmer Salazar.

The next meeting of the BRWTF will be July 27-28, 2005 at the OSE/ISC offices (121 Tijeras, Albuquerque, NM).

Due to schedule conflicts, the September trip to Deming has been tentatively rescheduled for October.

Task Force member news and updates included the following items:

- A new shortage-sharing agreement will be needed next year for the San Juan basin users. All users, including the Navajo Nation, have endorsed the 2005 agreement, but reaching an agreement for 2006 could be more difficult due to higher precipitation this year (April-July runoff was 175% of normal for the Upper San Juan).
- John D'Antonio noted that the OSE encourages users to develop shortage sharing agreements as a less painful alternative to priority administration.
- All parties in the Eagle Nest Reservoir lawsuit are in negotiations and appear to be near a settlement.
- The San Juan Chama project is moving forward but there is a dispute based on building height limits on land where the pump station is planned to be built. The land is designated as open space, and the planned pump station exceeds the height limit for that designation.
- Legislation is being drafted for the continued federal funding of the Middle Rio Grande Endangered Species Act Collaborative. The MRGESACP is likely to be reorganized to improve efficiency.
- Results of a public opinion poll presented at the 1000 Friends Annual Water Assembly indicated that water was the third most important issue in the state, after crime and education.
- Tucumcari has been able to irrigate for the first time in three years.
- The Carlsbad Irrigation District recently executed another lease with the ISC to use water that didn't get allocated for meeting compact obligations.

- The Rio Grande side of the Elephant Butte Irrigation District is working on shortage sharing and short term water lease agreements.
- A proposed settlement between Santa Fe and the City of Elephant Butte includes a permit condition that Santa Fe will not execute a transfer of water rights for three years.
- The OSE strategy with domestic wells is to issue ground water regulations that will designate domestic well management areas, with the goal of bringing the Rio back into hydrologic balance while permitting wells. The OSE intends to do a pilot program in one of the priority areas (Lower Pecos or Lower Rio Grande) by June 2006.
- Estevan Lopez, Conci Bokum, and Paul Paryski participated in panel discussions at the H2O Film Festival in Santa Fe.
- Bob Vocke will continue his affiliation with Los Alamos National Laboratory as a guest scientist with Technology Transfer Division (Elmer Salazar).
- Governor Richardson has been organizing performance and accountability standards for state government. Each agency must develop measurable milestones and deliverables to show progress. The OSE will focus on four primary areas: AWRM, water planning and coordination, environmental issues and compliance, and water supply and infrastructure. The OSE wants to include its reports to the Blue Ribbon Task Force as part of the performance and accountability measures.
- Funding of short term emergency projects is an important issue for the state, particularly with increasingly stringent EPA standards (e.g. 2006 arsenic standards).
- Silvery minnow reproduction has been very high this year due to conditions in the river. As waters recede, however, juvenile fish are becoming stranded in isolated pools, resulting in a “take” for individuals larger than 30mm.

Review of State Water Plan Draft Interim Implementation Report

Tim Murrell handed out a rough draft of the implementation report for feedback from Blue Ribbon Task Force members on organization, layout, format etc.. Comments included:

- Show connection between the report and the State Water Plan for each item.
- Show strategies for how goals and objectives will be met.
- Include and take more credit for achievements (e.g., town hall meetings on metering and measuring, database integration).
- A “story telling” format that highlights key issues and accomplishments would make the report more compelling and reader friendly.
- Include more graphic elements.
- Organize relevant information by basin, rather than by category.
- Show long-term goals and projections

Workshop on Managing Landscapes and Watersheds

The workshop will be held September 21-22 @ Santa Fe Sweeney Center, and is based on recommendations from the Jemez y Sangre Regional Water Plan. See meeting notes from May 2005 or contact Paul Paryski for more details on the workshop theme.

The workshop aims to place a set of very specific recommendations in to the hands of decision-makers and agencies. These recommendations will be initially presented in a set of white papers that will be available to participants prior to the workshop. The white paper recommendations are intended to provide a starting point for discussion and debate at the workshop. The recommendation white papers will be revised and finalized to reflect the input of workshop participants. White paper topics include:

- Restoring/managing watersheds and riparian areas
- Managing run-off
- Managing land use
- Managing water use
- Managing water quality

Suggestions and comments from Task Force members included:

- Albuquerque Hydrologic Model was used to predict impacts of urbanization on infiltration and runoff.
- High Desert housing development could provide an example of site-specific storm water detention strategy. For large lots, water is detained on the lot. For dense development, water is retained in ponds.
- From a legal standpoint, two issues will probably be key for OSE determinations of legality of harvesting water: 1) Is there a water right that is being transferred to another use? 2) Is there a change of use (e.g. agriculture to urban)?
- A relaxation of retention pond rules or trade-off against other requirements (e.g. parking) will probably be needed.
- USGS studies in the Jemez on the impact of small upland meadows on water yield could provide useful information.
- It will be important to consider economic impacts , specify who will pay, and devise economic incentives for implementation.
- Focus groups with developers, city council and economic staff could provide insight.
- Important to consult with pueblos and tribes.

The workshop was endorsed by Task Force members present at the meeting.

San Juan Settlement

Task Force members discussed strategies for securing funding and garnering public support for the San Juan settlement.

- A hearing has not been set, nor has authorizing legislation been introduced. The OSE is working with the Interior Department and the delegation on legislation that they will support.
- OSE sees the need to arouse public interest in the settlement. There is a significant human interest element, given the large number of people who have to haul water. OSE is considering having a press tour with the delegation, Governor Richardson, and the Navajo governor and making a video that would be available to the press.
- Need to demonstrate to the Department of the Interior what the cost of not dealing with the settlement would be (i.e., much higher than just the cost of litigation). The current federal perception is that its liability is the amount it would lose if sued.
- Sympathy for Native Americans is dissipating in Congress; Indian wealth in relation to obligations to the tribes create a public perception problem.
- Support from all state agencies is needed.
- Congressional delegates want to know how funding of the San Juan settlement will be balanced with the Aamodt and Taos settlements. There is a risk that there will not be enough money to settle all three. However, based on acre feet of settlement and benefits to the most people, San Juan rises to the top.
- Funding of Indian Water Rights settlements in general will need unconventional sources, and there is a need to look at a funding solution for all western states.

Suggestions from Task Force Members included:

- Delegation needs a coherent voice of support from New Mexico.
- Use a multi-pronged approach to generate support. Draw on the human interest aspects of the settlement. Gather statements from different stakeholders supporting the settlement. Other possible means include elevating the issue through media articles and hiring a public relations firm and/or lobbyist.
- Need to sustain the message over time, and also pay attention to the timing of the message.
- Blue Ribbon Task Force members could help to shape public opinion, particularly in the Albuquerque area. Albuquerque is not opposing the settlement, but is also not supporting it.

Task Force members decided to dedicate the next meeting to further discussion of the San Juan settlement. Eileen Grevey will be coordinating the agenda.